Appendix.

Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, as amended by the Act of October 26, 1949, c. 736, 63 Stat. 910, 29 U. S. C. Supp. V, 201, *et seq.*

MINIMUM WAGES.

SEC. 6 (a). Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates—

(1) not less than 75 cents an hour.

INVESTIGATIONS, INSPECTIONS AND RECORDS.

SECTION 11. • • •

(c) Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

• • • • •

PROHIBITED ACTS.

SEC. 15 (a). After the expiration of one hundred and twenty days from the date of enactment of this Act, it shall be unlawful for any person

• • • • •

(2) to violate any of the provisions of section 6 or section 7, or any of the provisions of any regulation or order of the Administrator issued under section 14;

* * * * *

(5) to violate any of the provisions of section 11 (c) or any regulation or order made or continued in effect under the provisions of section 11 (d), or to make any statement, report, or record filed or kept pursuant to the provisions of such section or any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect.

INJUNCTION PROCEEDINGS.

SEC. 17. The district courts, together with the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands shall have jurisdiction for cause shown, to restrain violations of section 15; *Provided*, That no court shall have jurisdiction, in any action brought by the Administrator to restrain such violations, to order the payment to employees of unpaid minimum wages or unpaid overtime compensation or an additional equal amount as liquidated damages in such action.

DISTRICT COURT JUDGMENT.

The judgment of the District Court, filed October 27, 1952, is found at pp. 116-118 of the record and, eliminating the heading of the case, reads as follows:

The above-styled cause came on for trial before this Court, sitting without a jury, on the 6th day of October, 1952, plaintiff and defendants appearing by counsel. The complaint was dismissed as to defendant Joe Boutwell for want of service of process upon him. Upon considerations of the pleadings filed herein and the evidence adduced at the trial, and the cause having been submitted to the Court on the entire record therein and the arguments of counsel for the respec-

tive parties, and findings of fact and conclusions of law having been made and filed herein,

Now, therefore, sufficient reason therefor appearing and upon the findings of fact and conclusions of law made and filed herein, it is

Ordered, Adjudged and Decreed that the defendants Stewart-Jordan Distributing Company, Inc., Carrol Fordham, Elwood Ogilvie, William A. Orange, Dan Logue and Dixie Midkiff, their officers, agents, servants, employees, attorneys and all persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (Act of June 25, 1938, 52 Stat. 1060, as amended by 63 Stat. 910; U. S. C. Ti. 29, Sec. 201, *et seq.*), hereinafter referred to as the Act, in any of the following manners:

(1) The defendants shall not, contrary to Section 6 of the Act, pay any of their employees who are engaged in interstate commerce, as defined by the Act, wages at rates less than 75 cents an hour.

(2) The defendants shall not fail to make, keep and preserve adequate and accurate records of their employees and of the wages, hours and other conditions and practices of employment maintained by them, as described by the regulations of the Administrator, issued and from time to time amended, pursuant to Section 11(c) of the Act and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

It is further ordered that costs be, and they hereby are, taxed against the defendants, for which execution may issue.

Dated this 27th day of October, 1952.

BRYAN SIMPSON,
United States District Judge.

COURT OF APPEALS JUDGMENT.

The judgment of the Court of Appeals, being an extract from the minutes of the Court of January 29, 1954, is found on page 148 of the record and, after eliminating the heading of the case, reads as follows:

> This cause came on to be heard on the transcript of the record from the United States District Court for the Southern District of Florida, and was argued by counsel;
>
> On consideration whereof, It is now here ordered and adjudged by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.
>
> "Hutcheson, Chief Judge, dissents."

INDEX

	Page
Opinions below	1
Jurisdiction	1
Question presented	2
Statute involved	2
Statement	3
Argument	6
Conclusion	10

CITATIONS

Cases:

Airlines Transp. v. *Tobin*, 198 F. 2d 249 8
Coe v. *Errol*, 116 U. S. 517 ..... 9, 10
Kirschbaum Co. v. *Walling*, 316 U. S. 517 9
McLeod v. *Threlkeld*, 319 U. S. 491 10
Overstreet v. *North Shore Corp.*, 318 U. S. 125 9
Republic Pictures Corp. v. *Kappler*, 151 F. 2d 543, affirmed, 327 U. S. 757, rehearing denied, 327 U. S. 817 8
Rockton & Rion Railroad v. *Walling*, 146 F. 2d 111, certiorari denied, 324 U. S. 880 8
United States v. *Capital Transit Co.*, 325 U. S. 357, rehearing denied, 325 U. S. 896, reaffirmed in 338 U. S. 286 8
Walling v. *Jacksonville Paper Co.*, 317 U. S. 564 ....6, 7, 8

Statute:

Fair Labor Standards Act of 1938, as amended, c. 676, 52 Stat. 1060, c. 736, 63 Stat. 910, 29 U. S. C. (Supp. V) 201 *et seq.*:

Sec. 3(b) 2
Sec. 6(a) 2
Sec. 11(c) 3